

- 2 -

sheets made of fibrous material laminated on both surfaces of the modified bitumen layer and a thermal insulating material layer bonded to one of the flat sheets. The flat sheets as described in the specification are both made of material which is permeable to the bitumen material forming the bitumen layer.

Claim 1 of the present application relates to an integrated waterproofing membrane comprising a layer of waterproofing material being adhered on one side by an adherent support sheet composed of material through which the bitumen forming the waterproofing layer can permeate, and adhered to the other side by an impervious surfacing material composed of non permeable material. This impervious surfacing material as described in the application refers to a material which does not allow permeation of the bitumen forming the waterproofing layer on which it is applied. [The composition, the function and the mechanical properties of this impervious surfacing material are clearly outstanding as compared to the fibrous sheets described in Yamamoto.] In addition, the fiber sheets present in the thermal insulating and bituminous waterproofing board of Yamamoto do not confer improvement in water repellent properties of the membrane as described therein. Also, Yamamoto describes a thermal insulating layer which is laminated on one fibrous sheet already adhered to the bituminous waterproofing board. It is described in Yamamoto, column 7, line 6, that the element is for heat transmission resistance. It can be therefore understood from the present application that the impervious surfacing material cannot be inferred, or considered equivalent, to the thermal insulating layer of Yamamoto. In addition to being disposed in a completely different manner against the waterproofing

- 3 -

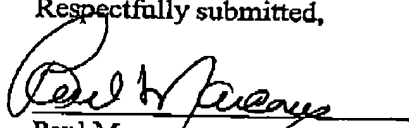
material layer as described in the present application its function is outstanding without any doubt from the thermal insulating layer disclosed in Yamamoto.

For these reasons, it is believed that independent claim 1 and dependent claims 2 to 10 overcome the rejection under 35 U.S.C. 102(b) having regard to Yamamoto, and reconsideration and withdrawal of this rejection is therefore respectfully requested. Allowance of all claims at an early date is solicited.

In the event that any question arises concerning this response or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

By:


Paul Marcon
Registration No. 24,990

SWABEY OGILVY RENAULT
1981, McGill College
Suite 1600
Montreal (Quebec)
Canada, H3A 2Y3
(418) 640-5988
Date: May 1st, 2003

FAX RECEIVED
MAY 02 2003
GROUP 1700